

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEVEN LYNN BROOKS,  
Plaintiff,  
v.  
ROBERTA F. KANIVE, *et al.*,  
Defendant

CASE NO. C10-5126FDB/JRC

**ORDER DENYING PLAINTIFF'S  
MOTION TO AMEND  
COMPLAINT**

This matter comes before the court on plaintiff's motion to amend his complaint, (Doc. 7). The Court, having reviewed the motion, defendants' opposition, and the balance of the record, does hereby ORDER:

(1) Plaintiff's motion to amend his complaint is **DENIED**. Four factors are relevant to whether a motion for leave to amend pleadings should be denied: undue delay, bad faith or dilatory motive, futility of amendment, and prejudice to the opposing party. United States v. Webb, 655 F.2d 977, 980 (9th Cir. 1981). In light of this legal standard, the court finds the proposed amendment would cause undue delay and prejudice to the opposing party.

The Complaint in this matter alleges plaintiff was denied proper medical care at a Washington State Department of Corrections facility located in Monroe, Washington.

1 Specifically, plaintiff alleged defendants have not provided adequate care and treatment for his  
2 “serious medical needs which have caused constant and severe pain to his Left Hand and Finger  
3 Nails, Feet, Right Leg/Hip, Lower Back and my Right Index Finger.” Complaint at 1. The  
4 Complaint emphasizes plaintiff’s individual needs. Plaintiff alleges “defendants persistently fail  
5 to follow his provider’s medical orders, and continuously fails [sic] to follow specific medical  
6 recommendations and other specialized needed care.” Complaint at 3. Plaintiff further stated,  
7 that “defendants [sic] refusal to provide adequate medical care to his individual needs  
8 significantly affects his daily activities, affecting his sleeping, walking, sitting, and partial use of  
9 his right hand.” *Id.* The Complaint does not state or allege any class action type of claim. *See*  
10 Rule 23 of the Federal Rules of Civil Procedure and the Local Rules (providing guidance and  
11 special notice pleading requirements to maintain a class action claim).  
12

13 Plaintiff’s two-page motion to amend the complaint seeks to convert this matter into a  
14 class action lawsuit and add additional plaintiffs. Doc. 7. Plaintiff does not submit a proposed  
15 Amended Complaint, and thus, the court cannot make a specific analysis of the motion to amend.  
16 Defendant’s response sheds more light on the specific details and ramifications of plaintiff’s  
17 request. After reviewing defendant’s response and plaintiff’s reply thereto, it is clear that the  
18 claims plaintiff seeks to add are far beyond his individual medical impairments and alleged  
19 treatment needs.  
20

21 The court concludes the motion to amend, if granted, would allow claims not related to  
22 the original complaint. Plaintiff is asking to make his individual medical case into a class action,  
23 but his individual impairments and medical treatment is not representative of the other proposed  
24 plaintiffs. Addition of additional plaintiffs, who have their own individualized medical  
25

complaints and treatment needs, would cause unnecessary delay and prejudice to defendants in this matter.

(2) The Clerk is directed to send copies of this Order to plaintiff and to counsel for the defendants.

DATED this 30<sup>th</sup> day of April, 2010.

J. K. Ward (matins)

J. Richard Creature  
United States Magistrate Judge